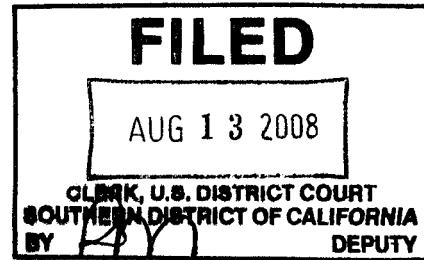


David O'Shell, pro per
CO-000761-7
Coalinga State Hospital
P.O. Box 5003
Coalinga, California 93210



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

DAVID O'SHELL,
Petitioner } Civil No. 08-0436 (NLS)

v. } APPLICATION FOR THIRTY-DAY
STEVEN MAYBERG, Warden, } ENLARGEMENT OF TIME TO FILE
Respondent } TRAVERSE: DECLARATION OF DAVID
O'SHELL IN SUPPORT THEREOF

Petitioner respectfully requests, under Federal Rule of Civil Procedure 6(b), that this court order a thirty-day enlargement of time to file a traverse to answer Deputy Attorney General, Anthony DaSilva's response to Petitioner's Writ of Habeas Corpus pursuant to 28 U.S.C. §2254.

Petitioner needs additional time to research and answer all of Respondent's points. Respondent was given an enlargement of time which granted his response to July 27, 2008. Even though Respondent answered the court within the timeline, Petitioner did not receive the response until August 7, 2008 through the United States Postal Service. Because of the delay within the United States Postal system, Petitioner is now allowed 20 days to respond with his traverse. With all fairness in mind, Petitioner would

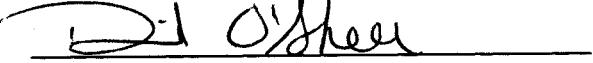
1 request that at least a full 30 days be granted him to
2 prepare his response.

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4 Respectfully Submitted, Dated: August 10, 2008

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7 David O'Shell, pro per
Petitioner

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1 **DECLARATION OF DAVID O'SHELL**
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3 David O'Shell declares that:

4 I am the Petitioner who has filed a Writ of Habeas
5 Corpus in the matter of O'Shell v. Mayberg, Civil No. 08-
6 0436 (NLS).

7 I received by way of the United States Postal Service on
8 August 7, 2008 a Memorandum of Points and Authorities in
9 Support of Answer of Petition for Writ of Habeas Corpus which
10 Deputy Attorney General, Anthony DaSilva filed with the Court
11 of behalf of Steven Mayberg.

12 I am now required to answer by traverse due August 27,
13 2008, 20 days from receipt by mail, 17 days from the date
14 shown below.

15 Based on the foregoing, I respectfully request the Court
16 to grant a thirty-day extension of time for good cause shown
17 such that a traverse is not due till September 27, 2008.

18 I declare under penalty of perjury under the laws of the
19 United States that the foregoing is true and correct, on this
20 day, August 10, 2008, at Coalinga, California

21
22 Respectfully Submitted, Dated: August 10, 2008

23
24 David O'Shell
25 David O'Shell, pro per
Petitioner

1 PROOF OF SERVICE BY MAIL
2 BY A PERSON IN STATE CUSTODY
3
4

5 David O'Shell declares that:

6 I am over eighteen years of age and a party to this action. I am a
7 resident of Coalinga State Hospital in the city of Coalinga in the county
8 of Fresno, California. The address of my incarceration is: P.O. Box
9 5003, Coalinga, California.

10 On August 10, 2008, I served the attached: "Application for Thirty-
11 Day Enlargement of Time to File Traverse; Declaration of David O'Shell"
12 on the parties herein by placing true and correct copies thereof,
13 enclosed in a sealed envelope with postage paid in the United States Mail
14 in a deposit box so provided at the above named hospital in which I am
15 presently confined. The envelopes were addressed as follows:

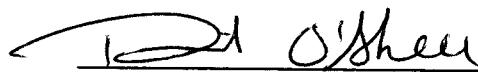
16 United States District Court
17 Southern District of California
18 Office of the Clerk
19 880 Front Street, Suite 4290
20 San Diego, California 92101-8900

21 AND:

22 Anthony DaSilva,
23 Deputy Attorney General
24 110 West "A" Street, Suite 1100
25 San Diego, California 92101

26 I declare under penalty of perjury under the laws of the United
27 States that the foregoing is true and correct.

28 Executed August 10, 2008



29 David O'Shell, pro per
30 Petitioner